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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/125,711	03/04/99	SHALIT	T 097037
		LM02/0104	EXAMINER
			DINH, D
			ART UNIT
			PAPER NUMBER
		2774	(6)
		DATE MAILED:	01/04/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

<b>Application No.</b> 09/125,711	<b>Applicant(s)</b> SHALIT, THOMER
<b>Examiner</b> DUC Q DINH	<b>Art Unit</b> 2774

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

1) Responsive to communication(s) filed on 04 March 1999.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3 and 9-11 is/are rejected.  
 7) Claim(s) 4-8 and 12-16 is/are objected to.  
 8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.  
 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.  
 12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).  
 a) All b) Some \* c) None of the CERTIFIED copies of the priority documents have been:

1. received.
2. received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

### Attachment(s)

14)  Notice of References Cited (PTO-892)  
 15)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 16)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

17)  Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.  
 18)  Notice of Informal Patent Application (PTO-152)  
 19)  Other: \_\_\_\_\_

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## DETAILED ACTION

### *Specification*

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

### *Claim Objections*

Claims 4-8 and 12-16 are objected to under 37 CFR 1.75(c) as being in improper form as being a multiple dependent claim depending upon another multiple dependent claim. ~~and~~ See MPEP § 608.01(n). Accordingly, the claims 4-8 and 12-16 ~~are~~ <sup>have</sup> not been further treated on the merits.

Claims 3 and 11 are objected to because of the following informalities:

In claim 3 "... claim 1 to 2" should read "claim 1 or 2".

In claim 11, "... claim 9 to 10" should read "claim 9 or 10"

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

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regards as the invention. The term "tracking device" in claim 1 is a relative term that renders the claim indefinite. The term "tracking device" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For example, the tracking device is confusing because it is first understood as a whole system which include the computer and a mouse, and after that it is understood as a mouse or a joystick or any input device.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-3 and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Rohen.(5,186,692).

In reference to claims 1 and 9, Rohen discloses a system which includes a computer 11 connect to the mouse 17 having tactile feedback, which is shown more detail in Fig. 2. The system also has a keyboard 13 for alphanumeric input and a speaker 15 for beep, tone, and computer simulated speech output. Although not connected physically by wires to the computer, a virtual display 19 is shown in broken

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lines to portray the virtual display that is created in the mind of the user by means of the tactile and audio feedback that is provided by the computer (see column 3, lines 43-65). In addition, as shown in Fig. 1, the program that implement the method of the system. Included are the application program 21, which are preferably written as object oriented programs using a language such as Smalltalk or C++ (column 4 line 10-22).

In reference to claims 2-3 and 10-11, Rohen discloses that the method of the invention determines an object has been located by providing feedback to the mouse when a boundary is encountered. A contrast point on the display causes a feedback sensation in the hand moving the mouse. To allow for rapid and circuitous movement of the mouse it is necessary for the user feedback to be instantaneous. For this reason, feedback in the form of a mild electrical impulse, a physical vibration or other fast response manifestation is a preferred embodiment (column 2, lines 59-68). In addition, Rohen discloses if an icon object is encountered, the icon's property and use will be articulated or depending upon the program and the sequence of button depressions, will be expanded so it can be more easily traced by the user with the mouse (column 3, lines 1-16).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN: 5,986,643; 5,684,722.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUC Q DINH whose telephone number is

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(703)3065412. The examiner can normally be reached on Monday through Friday from 8:00. AM - 4:00. PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHARD HJERPE can be reached on (703) 305-4709. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6606 for regular communications and (703) 308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

DQD  
January 3, 2000



RICHARD A. HJERPE  
SUPERVISORY PATENT EXAMINER  
GROUP 2700